

2017 Aug-25 AM 10:00

U.S. DISTRICT COURT
N.D. OF ALABAMA

State of Alabama Unified Judicial System Form C-34 Rev. 4/2017	SUMMONS - CIVIL -	Court Case Number 63-CV-2017-900914.00
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IN THE CIRCUIT COURT OF TUSCALOOSA COUNTY, ALABAMA
WILLIAM GRANT BALL V. RICHARD BENOIT ET AL

NOTICE TO: RICHARD BENOIT, 40 MAYBELL ROAD, SEMINARY, MS 39479

(Name and Address of Defendant)

THE COMPLAINT OR OTHER DOCUMENT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT, AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT OR OTHER DOCUMENT, WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE PLAINTIFF(S) OR ATTORNEY(S) OF THE PLAINTIFF(S), BOBBY HILL COCKRELL JR.

[Name(s) of Attorney(s)]

WHOSE ADDRESS(ES) IS/ARE: 1409 UNIVERSITY BOULEVARD, TUSCALOOSA, AL 35401

[Address(es) of Plaintiff(s) or Attorney(s)]

THE ANSWER MUST BE MAILED OR DELIVERED WITHIN 30 DAYS AFTER THIS SUMMONS AND COMPLAINT OR OTHER DOCUMENT WERE SERVED ON YOU OR A JUDGMENT BY DEFAULT MAY BE RENDERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT OR OTHER DOCUMENT.

TO ANY SHERIFF OR ANY PERSON AUTHORIZED BY THE ALABAMA RULES OF CIVIL PROCEDURE TO SERVE PROCESS:

☐ You are hereby commanded to serve this Summons and a copy of the Complaint or other document in this action upon the above-named Defendant.

☒ Service by certified mail of this Summons is initiated upon the written request of WILLIAM GRANT BALL

[Name(s)]

pursuant to the Alabama Rules of the Civil Procedure.

7/29/2017 6:07:34 PM /s/ MAGARIA HAMNER BOBO By: _____

(Date)
(Signature of Clerk)
(Name)

☒ Certified Mail is hereby requested. /s/ BOBBY HILL COCKRELL JR.

(Plaintiff's/Attorney's Signature)

RETURN ON SERVICE

☐ Return receipt of certified mail received in this office on _____

(Date)

☐ I certify that I personally delivered a copy of this Summons and Complaint or other document to _____

(Name of Person Served)
(Name of County)

County, _____

Alabama on _____

(Date)

(Type of Process Server)

(Server's Signature)

(Address of Server)

(Server's Printed Name)

(Phone Number of Server)

State of Alabama Unified Judicial System Form C-34 Rev. 4/2017	SUMMONS - CIVIL -	Court Case Number 63-CV-2017-900914.00
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IN THE CIRCUIT COURT OF TUSCALOOSA COUNTY, ALABAMA
WILLIAM GRANT BALL V. RICHARD BENOIT ET AL

NOTICE TO: WAYNE JEFcoat, 214 WAREHOUSE DRIVE, LAUREL, MS 39480
(Name and Address of Defendant)

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7/29/2017 6:07:34 PM *(Date)* /s/ MAGARIA HAMNER BOBO *(Signature of Clerk)* By: *(Name)*

☒ Certified Mail is hereby requested. /s/ BOBBY HILL COCKRELL JR. *(Plaintiff's/Attorney's Signature)*

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☐ I certify that I personally delivered a copy of this Summons and Complaint or other document to _____ in _____ County, Alabama on *(Name of Person Served)* *(Name of County)* *(Date)*

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(Server's Signature)

(Server's Printed Name) _____
(Phone Number of Server)

(Address of Server)

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IN THE CIRCUIT COURT OF TUSCALOOSA COUNTY, ALABAMA
WILLIAM GRANT BALL V. RICHARD BENOIT ET AL

NOTICE TO: EAGLE EXPRESS HOTSHOT SERVICE L.L.C., 214 WAREHOUSE DRIVE, LAUREL, MS 39480
(Name and Address of Defendant)

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(Name(s))
 pursuant to the Alabama Rules of the Civil Procedure.
7/29/2017 6:07:34 PM /s/ MAGARIA HAMNER BOBO By: _____
(Date) *(Signature of Clerk)* *(Name)*

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(Plaintiff's/Attorney's Signature)

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(Name of Person Served) *(Name of County)*

Alabama on _____
(Date)

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(Server's Signature)

(Server's Printed Name) _____
(Phone Number of Server)

(Address of Server)



IN THE CIRCUIT COURT OF TUSCALOOSA COUN

WILLIAM GRANT BALL,

Plaintiff,

v.

CASE NO.: CV-2017-_____

RICHARD BENOIT; EAGLE EXPRESS
HOTSHOT SERVICE L.L.C., a Limited
Liability Company existing under the laws
of the State of Mississippi; WAYNE
JEFCOAT; and Fictitious Defendants A, B,
C, D and E being those individuals and/or
entities who committed or conspired with
the defendants to commit the wrongful acts
set forth hereinafter, and whose identities
are unknown but will be added as
defendants when ascertained,

Defendants.

COMPLAINT

COMES NOW the Plaintiff, WILLIAM GRANT BALL, by and through his attorneys of record, Bobby H. Cockrell, Jr. and Jonathan D. Townsend, and would complain of the Defendant as follows:

PARTIES

1. Plaintiff, William Grant Ball, is a resident citizen of Tuscaloosa County, Alabama and is over the age of nineteen years.

2. Defendant, Richard Benoit, is a resident citizen of Mississippi and is over the age of nineteen years. At the time of this motor vehicle accident giving rise to this complaint, Defendant Benoit was employed by and driving for the following entity described in paragraph 3.

3. Defendant Corporation, EAGLE EXPRESS HOTSHOT SERVICE L.L.C., a Limited Liability Company organized and operating under the laws of the State of Mississippi but doing business in Brookwood, Tuscaloosa County, Alabama.

4. Defendant, Wayne Jefcoat, is a resident citizen of Mississippi and is over the age of nineteen years. Defendant Jefcoat owned the vehicle and attachments giving rise to this action. Defendant Jefcoat is also the President of Defendant Corporation, EAGLE EXPRESS HOTSHOT SERVICE L.L.C., a Limited Liability Company organized and operating under the laws of the State of Mississippi but doing business in Brookwood, Tuscaloosa County, Alabama.

5. Fictitious Defendants A, B, C, D and E are those individuals, general partnerships, governmental entities, agencies, departments, limited partnerships, corporations or other legal entities who supervised, controlled, were responsible under the doctrine of respondent superior, or were in any legal sense responsible for the actions of the name Defendant herein, any and all of its successors in interest, owners, partners or any other entity by which the said Defendant is now known or has been known at any time relevant hereto, whether acting on their own behalf or as an agent of any other person. Their identities are unknown but will be added by amendment when ascertained.

VENUE & JURISDICTION

6. Venue exists in this Circuit because the Plaintiffs are resident citizens of Tuscaloosa County; because the motor vehicle accident giving rise to this action occurred in Tuscaloosa County, Alabama.

7. Jurisdiction exists in Alabama owed to the presence of the various Defendants in Alabama; because the fact that the tortious actions alleged herein this Complaint occurred within this state; because the Defendants performed various services within the State of

Alabama; and, therefore said Defendants availed themselves to the degree necessary to obtain personal jurisdiction over each and every one of the various Defendants.

8. The amount in controversy in this action exceeds ten-thousand dollars and no cents (\$10,000.00).

FACTS

9. On or about the July 20, 2017, Plaintiff, was lawfully operating a motor vehicle on County Road 59 North in Tuscaloosa County, Alabama, to wit, when Defendant Benoit, operating a motor vehicle as an agent for the Defendants, caused or allowed the motor vehicle he was driving to collide with the motor vehicle driven by the Plaintiff.

10. Specifically, Defendant Benoit operated the motor vehicle as an agent and/or employee for the Defendants, within the line and scope of his employment, pulled his truck to the side of the highway leaving an attached “gooseneck” trailer in the travel lane.

11. Defendants’ vehicle was position just passed a “blind curve” and on a hillcrest in the roadway. The Defendants’ vehicle was not visible based on his parked position in the travel lane.

12. Plaintiff traveled in said lane and dreadfully collided with the Defendants’ hidden vehicle and attached trailer.

13. Plaintiff was seriously injured by the Defendants’ actions.

COUNT 1 - NEGLIGENCE

14. Plaintiff hereby incorporates paragraph 1 through 13 above as if fully set out herein.

15. On or about the July 20, 2017, Plaintiff, was lawfully operating a motor vehicle on County Road 59 North in Tuscaloosa County, Alabama, to wit, when Defendant Benoit, operating a motor vehicle as an agent for the Defendants, negligently caused or

allowed the motor vehicle he was driving to collide with the motor vehicle driven by the Plaintiff.

16. As a direct result of Defendant's said negligence, Plaintiff was caused to suffer the following damages:

- a. Plaintiff, as a proximate result of Defendant's said conduct, was caused to incur medical expenses including but not limited to medication, physicians' fees and hospital charges.
- b. Plaintiff, as a proximate result of Defendant's said conduct, was caused pain and suffering from the said injuries caused by the Defendant.
- c. Plaintiff suffered mental anguish and emotional distress from the said injuries caused by the Defendant.
- d. Plaintiff's vehicle was bent, battered and rendered less in value.

WHEREFORE, Plaintiff demands judgment against Defendant in an amount to be determined by a jury, plus interest and costs.

COUNT 2 – WANTONNESS

17. Plaintiff hereby incorporates paragraph 1 and 16 above as if fully set out herein.

18. On or about the July 20, 2017, Plaintiff, was lawfully operating a motor vehicle on County Road 59 North in Tuscaloosa County, Alabama, to wit, when Defendant Benoit, operating a motor vehicle as an agent for the Defendants, wantonly caused or allowed the motor vehicle he was driving to collide with the motor vehicle driven by the Plaintiff.

19. As a direct result of Defendant's said wantonness, Plaintiff was caused to suffer the following damages:

- a. Plaintiff, as a proximate result of Defendant's said conduct was caused to incur expenses for medicine and physicians' fees and hospital charges.
- b. Plaintiff, as a proximate result of Defendant's said conduct, was caused pain and suffering from the said injuries caused by the Defendant.
- c. Plaintiff suffered mental anguish and emotional distress from the said injuries caused by the Defendant.
- d. Plaintiff's vehicle was bent, battered and rendered less in value.

20. Plaintiff demands punitive damages of the Defendant due to the wanton and reckless nature of the Defendant's conduct.

WHEREFORE, Plaintiff demands judgment against Defendant in an amount to be determined by a jury, plus interest and costs.

COUNT 3 – NEGLIGENT HIRING, TRAINING & SUPERVISION

21. Plaintiff hereby incorporates paragraph 1 and 20 above as if fully set out herein.

22. On or before July 20, 2017, Defendants negligently hired, trained and supervised the Defendant.

23. On or about the July 20, 2017, Plaintiff, was lawfully operating a motor vehicle on County Road 59 North in Tuscaloosa County, Alabama, to wit, when Defendant Benoit, operating a motor vehicle as an agent for the Defendants, negligently and wantonly caused or allowed the motor vehicle he was driving to collide with the motor vehicle driven by the Plaintiff.

24. As a direct result of Defendant's said negligent hiring, training and supervision, Plaintiff was caused to suffer the following damages:

- a. Plaintiff, as a proximate result of Defendant's said conduct was caused to incur expenses for medicine and physicians' fees and hospital charges.
- b. Plaintiff, as a proximate result of Defendant's said conduct, was caused pain and suffering from the said injuries caused by the Defendant.
- c. Plaintiff suffered mental anguish and emotional distress from the said injuries caused by the Defendant.
- d. Plaintiff's vehicle was bent, battered and rendered less in value.

25. Plaintiff demands punitive damages of the Defendant due to its negligent hiring, training, and supervision.

WHEREFORE, Plaintiff demands judgment against Defendant in an amount to be determined by a jury, plus interest and costs.

COUNT 4 – JOINT VENTURE LIABILITY

26. Plaintiff hereby incorporates paragraph 1 and 26 above as if fully set out herein.

27. On or before July 20, 2017, Defendants entered into a joint venture with Fictitious Defendants A, B, C, D, and E. Said Defendants enjoyed a community of interest and equal right to control the venture. Defendants as joint venture participants are responsible for the harm caused motor vehicle accident occurred.

28. On or about the July 20, 2017, Plaintiff, was lawfully operating a motor vehicle on County Road 59 North in Tuscaloosa County, Alabama, to wit, when Defendant Benoit, operating a motor vehicle as an agent for the Defendants, negligently and wantonly

caused or allowed the motor vehicle he was driving to collide with the motor vehicle driven by the Plaintiff.

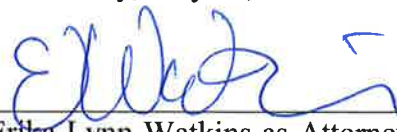
29. As a direct result of Defendant's said joint venture, negligence and wantonness, Plaintiff was caused to suffer the following damages:

- a. Plaintiff, as a proximate result of Defendant's said conduct was caused to incur expenses for medicine and physicians' fees and hospital charges.
- b. Plaintiff, as a proximate result of Defendant's said conduct, was caused pain and suffering from the said injuries caused by the Defendant.
- c. Plaintiff suffered mental anguish and emotional distress from the said injuries caused by the Defendant.
- d. Plaintiff's vehicle was bent, battered and rendered less in value.

30. Plaintiff demands punitive damages of the Defendant due to the negligent and wanton nature of the Defendant's conduct in this joint venture.

WHEREFORE, Plaintiff demands judgment against Defendant in an amount to be determined by a jury, plus interest and costs.

Respectfully submitted, this Saturday, July 29, 2017



Erika Lynn Watkins as Attorney-In-Fact for
William Grant Ball, Plaintiff

/s/ Bobby H. Cockrell, Jr.

Bobby H. Cockrell, Jr.(COC008)
Cockrell, Cockrell & Townsend
Attorney for Plaintiff
1409 University Boulevard
Tuscaloosa, AL 35401
(205) 349-2009

/s/ Jonathan D. Townsend

Jonathan D. Townsend (TOW014)

Cockrell, Cockrell & Townsend

Attorney for Plaintiff

1409 University Boulevard

Tuscaloosa, AL 35401

(205) 349-2009

PLAINTIFF HEREBY DEMANDS TRIAL BY JURY.

/s/ Bobby H. Cockrell, Jr.

Bobby. H. Cockrell, Jr. (COC008)

/s/ Jonathan D. Townsend

Jonathan D. Townsend (TOW014)

OF COUNSEL:

Cockrell, Cockrell & Townsend

Attorney for Plaintiff

1409 University Boulevard

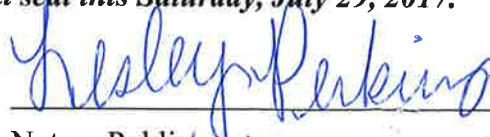
Tuscaloosa, AL 35401

(205) 349-2009

STATE OF ALABAMA)
)
TUSCALOOSA COUNTY)

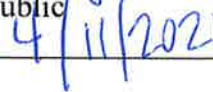
I, the undersigned authority, a Notary Public, in and for said county and said state, hereby certify that William Grant Ball whose name is signed to the foregoing document, and who is known to me, acknowledged before me on this day, being informed of the contents of same, he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this Saturday, July 29, 2017.



Notary Public

M.C.E.



CERTIFICATE OF SERVICE

This is to certify that I have this day served a copy of the foregoing on the opposing party via electronic service or by U.S. Mail, via certified mail, return service requested, postage prepaid and properly addressed.

This Saturday, July 29, 2017.

/s/ Bobby H. Cockrell, Jr.
Bobby. H. Cockrell, Jr. (COC008)

/s/ Jonathan D. Townsend
Jonathan D. Townsend (TOW014)

cc: Richard Benoit
40 Maybell Road
Seminary, Mississippi 39479

EAGLE EXPRESS HOTSHOT SERVICE L.L.C.
214 Warehouse Drive
Laurel, Mississippi 39480

Wayne Jefcoat
214 Warehouse Drive
Laurel, Mississippi 39480

State of Alabama Unified Judicial System Form C-34 Rev. 4/2017	SUMMONS - CIVIL -	Court Case Number 63-CV-2017-900914.00
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IN THE CIRCUIT COURT OF TUSCALOOSA COUNTY, ALABAMA
WILLIAM GRANT BALL V. RICHARD BENOIT ET AL

NOTICE TO: EAGLE EXPRESS HOTSHOT SERVICE L.L.C., 214 WAREHOUSE DRIVE, LAUREL, MS 39480

(Name and Address of Defendant)

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BOBBY HILL COCKRELL JR.

(Name(s) of Attorney(s))

WHOSE ADDRESS(ES) IS/ARE: 1409 UNIVERSITY BOULEVARD, TUSCALOOSA, AL 35401

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Alabama on _____

(Date)

(Type of Process Server)

(Server's Signature)

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63-CV-2017-900914.00

WILLIAM GRANT BALL V. RICHARD BENOIT ET AL

C001 - WILLIAM GRANT BALL

(Plaintiff)

v.

D003 - EAGLE EXPRESS HOTSHOT SERVICE L.L.C.

(Defendant)

SERVICE RETURN COPY

State of Alabama Unified Judicial System Form C-34 Rev. 4/2017	SUMMONS - CIVIL -	Court Case Number 63-CV-2017-900914.00
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(Name(s) of Attorney(s))

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AND COMPLAINT OR
D AGAINST YOU FOR

OF CIVIL

document in

RANT BALL
 [Name(s)]


(Name)

(Name)

(Name)

63-CV-2017-900914.00
WILLIAM GRANT BALL V. RICHARD BENOIT ET AL

C001 - WILLIAM GRANT BALL	v.	D002 - WAYNE JEFCOAT
(Plaintiff)		(Defendant)



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WILLIAM GRANT BALL V. RICHARD BENOIT ET AL

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(Name(s) of Attorney(s))

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<input type="checkbox"/> Return Receipt (electronic) \$ _____	
<input type="checkbox"/> Certified Mail Restricted Delivery \$ _____	
<input type="checkbox"/> Adult Signature Required \$ _____	
<input type="checkbox"/> Adult Signature Restricted Delivery \$ _____	
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Total Postage and Fees \$ _____	
Sent To _____	
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City, State, ZIP+4® _____	

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(Phone Number of Server)

C001 - WILLIAM GRANT BALL
 (Plaintiff)

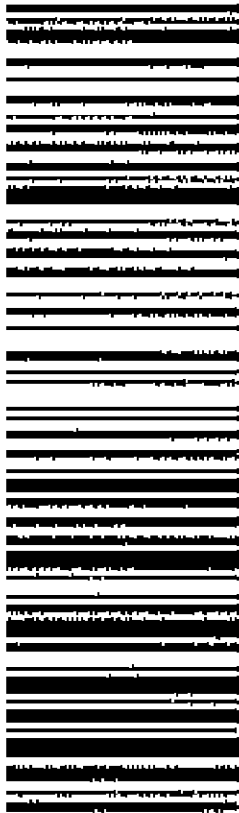
v.

D001 - RICHARD BENOIT
 (Defendant)



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USPS TRACKING#



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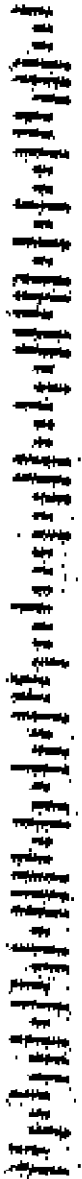
United States
Postal Service

EXHIBIT B

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

2017 AUG 11 11:49
TUSCALOOSA, AL 35401-1600
MAGARIA H. BOBO
CIRCUIT CLERK
714 GREENSBORO AVE
TUSCALOOSA, AL 35401-1600
AL.

• Sender: Please print your name, address, and ZIP+4® in this box.



CV-2017-900914 Summary The

SENDER: COMPLETE THIS SECTION

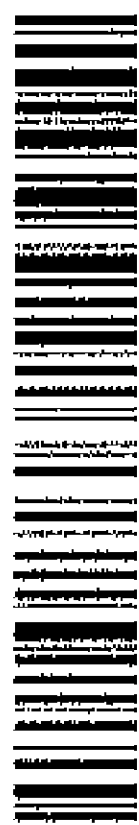
- Complete items 1, 2, and 3.

Print your name and address on the reverse so that we can return the card to you.

■ Attach this card to the back of the mailpiece, or on the front if space permits.

Article Addressed to:

Wayne Cleverat
19 Warehouse Drive
Jouret, MS 39480



9590 9402 2476 6306 0279 02

2. Article Number (Transfer from service label)

7017 0660 0000 5372 2329

COMPLETE THIS SECTION ON DELIVERY

A. Signature

Wayne Cleverat

☐ Agent

B. Received by (Print Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

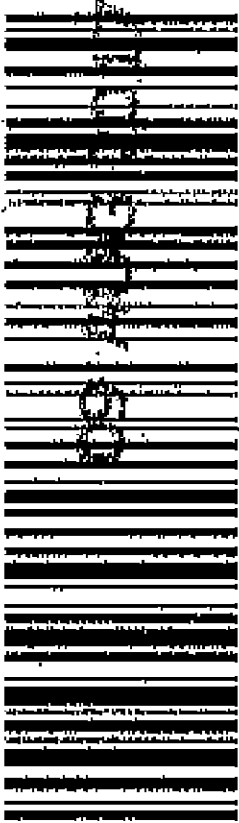
AUG - 9 2011

EXHIBIT B

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail
- ☒ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Collect on Delivery Restricted Delivery Mail Restricted Delivery
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☒ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

USPS TRACKING# 9505 13862

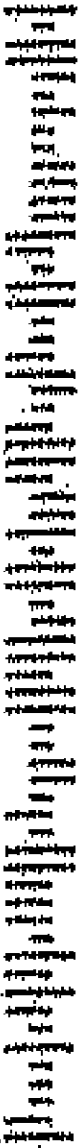


9590 9402 2476 6306 0278 89

United States
Postal Service

EXHIBIT B

9505 13862



First-Class Mail
Postage & Fees Paid
USPS
Permit No. 640

• Sender: Please print your name, address, and ZIP+4® in this box.

2017 AUG 11 AM 11:49
MAGARIA H. BOBO
CIRCUIT CLERK
714 GREENSBORO ST
TUSCALOOSA, AL 35401
AL

CV-2017-900914

Summons

SENDER: COMPLETE THIS SECTION

COMPLETE THIS SECTION ON DELIVERY

■ Complete items 1, 2, and 3.

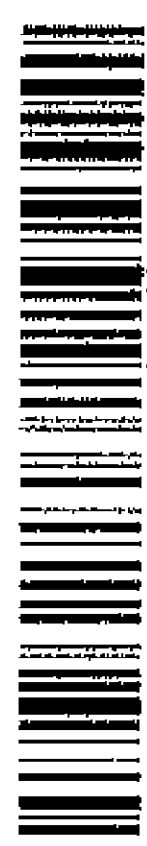
■ Print your name and address on the reverse

so that we can return the card to you.

■ Attach this card to the back of the mailpiece, or on the front if space permits.

Article Addressed to:

Eagle Express
214 Wernhouse Dr
Laurel, MS 39480



9590 9402 2476 6306 0278 89

2. Article Number (Transfer from service label)

7017 0660 0000 5372 2336

A. Signature

[Signature] Agent

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

AUG - 9 2017

EXHIBIT B

3. Service Type

☐ Adult Signature

☐ Adult Signature Restricted Delivery

☒ Certified Mail

☒ Certified Mail Restricted Delivery

☐ Collect on Delivery

☐ Collect on Delivery Restricted Delivery

Mail

Mail Restricted Delivery

00)

☐ Priority Mail Express®

☐ Registered Mail™

☐ Registered Mail Restricted Delivery

☒ Return Receipt for Merchandise

☐ Signature Confirmation™

☐ Signature Confirmation Restricted Delivery

☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt

CV-2017-9009124

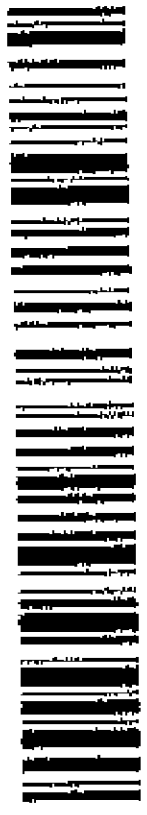
summas JHE

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Richard Benoit
40 Haybell Road
Deming, MS 39479



9590 9402 2476 6306 0279 88

2. Article Number (Transfer from service label)

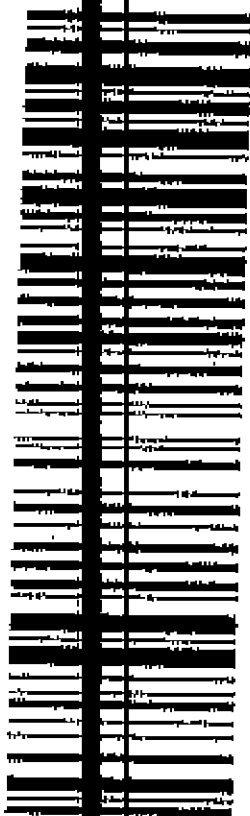
7017 0660 0000 5372 2312

COMPLETE THIS SECTION ON DELIVERY

A. Signature X		<input type="checkbox"/> Agent <input type="checkbox"/> Addressee
B. Received by (Printed Name) 	C. Date of Delivery	
D. Is delivery address different from item 1? If YES, enter delivery address below:		
<input type="checkbox"/> Yes <input type="checkbox"/> No		

3. Service Type		<input type="checkbox"/> Priority Mail Express®
<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Registered Mail™	<input type="checkbox"/> Registered Mail Restricted Delivery
<input type="checkbox"/> Adult Signature Restricted Delivery	<input checked="" type="checkbox"/> Certified Mail Restricted Delivery	<input checked="" type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation
<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Mail Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery

USPS TRACKING #



9590 9402 2476 6306 0279 BB

United States
Postal Service

• Sender: Please print your name, address, and ZIP+4® in this box •

MAGARIA H. BOBO
CIRCUIT CLERK
714 GREENSBORO
TUSCULOA SA 2814

8 35401

First-Class Mail
Postage & Fees Paid
USPS

Permit No. 9-10